

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

FILED BY *[Signature]* D.C.

NOV 01 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.) Docket No: 113C 1:22CR20341
)
ALEXANDER JUAN,)
Defendant.)

**DEFENDANT'S REQUEST FOR TWO LEVEL REDUCTION AND RECALCULATION
OF SENTENCE**

Alexander Juan ("Juan"), acting pro se', hereby moves the Court to reduce his Sentencing Guideline calculation by two levels and recalculate his sentence, for the reasons that follow:

PROCEDURAL INFORMATION

1. Juan was indicted on or about July 28, 2022, on fifteen counts related to health care fraud.
2. On March 1, 2023, Juan pled guilty to the first count of Conspiracy to Commit Health Care Fraud and Wire Fraud.
3. On or about June 28, 2023, this Honorable Court sentenced Juan to a term of 48 months.

SENTENCING COMMISSION PRONOUNCEMENT

4. On August 24, 2023, the United States Sentencing Commission ("USSC") proposed an Amendment to the Sentencing Guidelines providing for a two-level reduction in Sentencing Guideline calculations for defendants who have no prior criminal history (the "Amendment"). The USSC proposal had an effective date of November 1, 2023 (the "Effective Date") with the Amendment deemed automatically effective unless the United States Congress has taken action to reject the proposal prior to the Effective Date. Congress has taken no action to subvert the Amendment prior to the Effective Date, making the Amendment effective.

5. The Amendment, in part, provides that Part B, Subpart 1 of Amendment 821 creates a new Chapter Four guideline at §4C1.1 providing a decrease of two levels from the offense level determined under Chapters Two and Three for defendants like Juan who have zero criminal history points.

6. In accordance with the Application Notes of the Amendment (Section B(iii)), this Honorable Court may take into account Juan's post-sentencing conduct. To that end, Juan hereby submits that Juan has evidenced the capability to successfully re-enter society as a productive member by:

- a) Participating in classes including, Parenting, CDL, and Money Smart,
- b) Coaching and serving as a mentor to several younger gentlemen regarding physical exercise and accountability,
- c) Actively engaging in religious services, Bible study and other religious classes,
- d) Guiding fellow inmates in the landscaping department where staff has placed me in a supervisory role based on my experience and work ethic,

- e) Being selected by the administration to serve as the town driver due to their positive impressions of my character and dependability, and
- f) Volunteering for various other jobs within the compound and routinely taking on responsibilities no one else wants to do (for example, I recently cleaned the stairwells for the first through third floors for the entire building).

7. Moreover, Juan has five children ranging in age from three months to seventeen. Juan's oldest daughter (seventeen) is struggling in his absence and recently ran away from home. Juan has been a loving and involved father and the family in facing considerable financial and emotional challenges without him.

8. Juan recognizes and acknowledges that the Amendment states "The court shall not order a reduced term of imprisonment based on Part A or Part B, Subpart 1 of Amendment 821 unless the effective date of the court's order is February 1, 2024, or later." This provision empowers courts to grant a reduction and recalculation prior to February 1, 2024, so long as it does not go into effect prior to such date.

9. The Amendment specifically notes in referencing Section 1B1.10 (a) 3, that the two-level reduction does not constitute a "resentencing" by noting "Consistent with subsection (b), proceedings under 18 U.S.C. § 3582(c)(2) and this policy statement do not constitute a full resentencing of the defendant." For that reason, Juan humbly requests a recalculation of his sentence and not a resentencing.

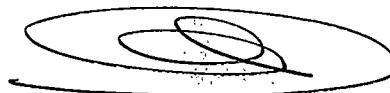
10. Given the foregoing, Juan respectfully beseeches this Honorable Court to reduce Juan's Sentencing Guideline calculation by two-levels and recalculate Juan's sentence accordingly, to be effective from and after February 1, 2024.

CONCLUSION

WHEREFORE, the Court should grant this motion, order a two-level reduction of Juan's calculation under the Federal Sentencing Guidelines, and recalculate Juan's sentence reflecting the aforementioned two-level reduction, to be effective as of February 1, 2024.

Dated: November 1, 2023

Respectfully submitted,



Alexander Juan
Register Number: 13977-510
FPC Pensacola
Federal Prison Camp
PO Box 3949
Pensacola, FL 32516

CERTIFICATE

I hereby certify that I have placed a true and correct copy of the foregoing in the U.S. Mail with first class postage prepaid and properly addressed to the following on this 1st day of November, 2023:

Lindsey Lazopoulos Friedman, Esq.
Assistant United States Attorney
Southern District of Florida
99 NE 4th Street
Miami, FL 33132
PH - (305) 961-9168
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**Alexander Juan
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November 1, 2023

The Honorable Jose E. Martinez
United States District Court Judge
Southern District of Florida
Wilkie D. Ferguson, Jr. United States Courthouse
400 North Miami Avenue
Miami, Florida 33128

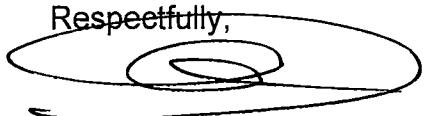
Re: United States v. Juan

Dear Judge Martinez:

Included herewith please find my pro se' motion respectfully requesting a two-level reduction in my Sentencing Guideline calculation and a recalculation of my sentence based on such a two-level reduction as proscribed by the United States Sentencing Commission in an August 24, 2023, Amendment to the Sentencing Guidelines (Preliminary).

Thank you very much for your consideration.

Respectfully,



Alexander Juan

cc: Clerk of Court, Angela E. Nobleck
Assistant U.S. Attorney, Lindsey Lazopoulos Friedman

